HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 27131 OF 2007

DATED: 20.12.2007

Between:

Ganisetti Suryavathi

… Petitioner

and

The State of A.P., represented by its
Secretary, School Education, Hyderabad and
Others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 27131 OF 2007

ORAL ORDER:

Writ Petition is misconceived.

The grievance in the writ petition is that "the respondents" are raising structures in the property belonging to the petitioner in Sy.No.44, Raghudevapuram Village, Seethanagaram Mandal, East Godavari District.

It would appear that the petitioner inherited a part of the property on the death of her husband and another extent by purchase, by herself. Though the property is in Raghudevapuram, the petitioner is living in Dhawaleswaram, for livelihood. When the petitioner went to the village, she found some structures erected in her property. On enquiries, she came to learn that the 4th respondent-Sarpanch of the Gram Panchayat, had got passed a Resolution dated 18.11.2006, by the General Body, treating the petitioner's property as "Gram Kantam" and allotting it for a Zilla Parishad school building. Pursuant to this Resolution, the 2nd respondent is also said to have sanctioned allotment of funds for the construction of a school building, by

proceedings dated 3.10.2006.

From the averments in the writ petition, the inference is compelling that the petitioner's complaint is against the unauthorized and unlawful allotment of land by the 4th respondent. The fourth respondent is not a Statutory authority nor is he the Gram Panchayat. The Gram Panchayat is not a party to this writ petition. Only the Sarpanch is. If the petitioner is aggrieved by the illegal occupation of her property by any authority or for that matter an individual, the petitioner has a plenitude of remedies available, by approaching the civil Court of competent jurisdiction, for declarative or injunctive reliefs, as advised. A writ petition is not an appropriate remedy.

On the analysis above, the writ petition is dismissed. The petitioner is, however, at liberty to pursue appropriate alternative remedies. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 20.12.2007

cvm